State Agencies

State of California

Memorandum

Flex your POWER

Comment Letter S-1

To : Mr. Tom Gandesbery
State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, California 94612-2530
Via fax (510) 286-0470

Date: August 29, 2002

From : Robert W. Floerke, Regional Manager
Department of Fish and Game - Central Coast Region, Post Office Box 47, Yountville, California 94599

Subject: Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project, Draft General Reevaluation Report and Draft Supplemental Environmental Impact Report/Environmental Impact Statement, Marin County SCH# 1998031053

Department of Fish and Game (DFG) personnel have reviewed the Draft General Reevaluation Report and Draft Supplemental Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project. We have the following comments and recommendations.

DFG recommends Alternative 2 as the preferred project. Use of dredge spoils as proposed in Alternatives 1 and 2 would provide for restoration of salt marsh habitat at a considerably faster rate than that of Alternative 3. Compared with Alternative 1, Alternative 2 would provide greater seasonal wetland habitat acreage and less upland transition habitat acreage. Furthermore, the Bay Trail alignment as presented in Alternative 2, as compared with Alternative 1, would avoid intruding into the willow dominated riparian habitat associated with the Arroyo San Jose. To minimize disruption of sensitive wildlife at the restoration site, DFG recommends that none of the spur trail options be implemented. It is not clear how enforcement of the proposed mitigation measure to seasonally close the trail during peak breeding season of sensitive wildlife would occur. S-1.1

Preconstruction surveys are proposed to be conducted for a number of sensitive species. Survey reports should be submitted to DFG and other appropriate resource agencies for review and comment prior to initiation of construction activities regardless of survey results. This provides the resource S-1.2

agencies an opportunity to comment on the adequacy of the survey effort and provides a higher level of confidence that impacts will be avoided. S-1.2 Con't.

Impact Bio-4 identifies the potential for construction-related mortality of salt marsh harvest mice (SMHM). SMHM are designated as fully protected species pursuant to Section 4700 of the Fish and Game Code. With the exception of research projects, no take of fully protected species can be permitted by DFG. The mitigation measure for this identified impact is Mitigation Measure Bio-2 which proposes to fence off areas where construction equipment would need to operate in suitable SMHM habitat and then trap and relocate SMHM out of the construction area. Trapping of SMHM has the potential to result in take of SMHM. Therefore, the proposed mitigation measure is not feasible. DFG recommends that, instead of trapping out SMHM, pickleweed habitat within these construction areas be removed by hand to allow any SMHM present to move into suitable adjacent habitat. Fencing as proposed in mitigation measure Bio-2 could then be installed to ensure that no SMHM would be present when construction activities were implemented. S-1.3

If you have any questions regarding our comments, please contact Mr. Eric Tattersall, Environmental Scientist, at (707) 944-5546; or Mr. Carl Wilcox, Habitat Conservation Manager, at (707) 944-5525.

cc: Mr. Eric Jolliffe
U.S. Army Corps of Engineers
San Francisco District
333 Market Street, 7th Floor
San Francisco, CA 94105

Ms. Gregoria Garcia
State Clearinghouse
Post Office Box 3044
Sacramento, CA 95812-3044
Via fax (916) 323-3018

Via email: belmarinkeys@jsanet.com

S-1 California Department of Fish and Game (DFG)

S-1.1

The lead agencies' preferred alternative is a revised version of Alternative 2 that would not include a spur, nor a trail west of Pacheco Pond across the willow habitat. Since the preferred alternative does not include a spur to Novato Creek, the seasonal closure of the spur is no longer relevant in this alternative.

S-1.2

Submission of reports to DFG is mentioned as part of mitigation measures that include preconstruction surveys (see Mitigations BIO-1, BIO-3, BIO-4, and BIO-5). For federally listed species such as salt marsh harvest mouse or California clapper rail, if preconstruction surveys are conducted, survey reports would also be sent to USFWS.

S-1.3

Mitigation Measure BIO-2 has been changed to include hand-removal of pickleweed habitat prior to placement of exclusion fencing. Trapping of salt marsh harvest mice has been deleted from the measure.

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse

Gray Davis
Governor

Tal Finney
Interim Director

Comment Letter S-2

Memorandum

Date: August 30, 2002

To: All Reviewing Agencies

From: Gregoria Garcia, Planner

Re: SCH # 1998031053
Bel Martin Keys Unit V Expansion of the Hamilton Wetland Restoration Project

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Pursuant to the attached letter, the Lead Agency has extended the review period for the above referenced project to September 13, 2002 to accommodate the review process. All other project information remains the same. S-2.1

cc: Tom Gandesberry
1330 Broadway, Suite 110
Oakland, CA 94612

Attachment S-2

NOTICE OF EXTENSION OF COMMENT PERIOD

JULY 19, 2002 TO SEPTEMBER 13, 2002

Draft Supplemental Environmental Impact Report/Environmental Impact Statement (SEIR/S)
Bel Marin Keys Unit V Expansion of the
Hamilton Army Airfield Wetland Restoration Project
Novato, Marin County, CA

The U.S. Army Corps of Engineers, San Francisco District (Corps) in collaboration with the California State Coastal Conservancy (Conservancy) and the San Francisco Bay Conservation and Development Commission (BCDC) are proposing to restore wetlands on the 1,584-acre Bel Marin Keys Unit V (BMKV) property as an expansion of the Hamilton Wetland Restoration Project (HWRP). The Corps is the lead agency for this project under the National Environmental Policy Act (NEPA). The Conservancy is the lead agency for this project under the California Environmental Quality Act (CEQA).

Abstract: The final environmental report/environmental impact statement (EIR/EIS) for the HWRP was issued in 1998, and the project was authorized in the federal Water Resources Development Act (WRDA) of 1999. The Conservancy purchased the BMKV site in 2001 with the intent of proposing restoration on the site as an expansion of the HWRP. This report describes and analyzes the potential environmental effects of proposed restoration of tidal salt marsh and other wetland habitat and associated actions as part of the expansion of the HWRP. This report will support decision making by the Corps, Conservancy, and other responsible agencies to implement the proposed expansion and to ensure compliance with the NEPA, CEQA, and other pertinent laws and regulations.

The purpose of the BMKV expansion is to restore important tidal wetland habitat in San Francisco Bay and restoration at the BMKV site represents the implementation of local, regional, and national planning efforts. Three alternatives are analyzed in this document: Alternative 1 – Dredged Material Placement with Enlarged Pacheco Pond; Alternative 2 – Dredged Material Placement with Seasonal Wetlands; and Alternative 3 – Natural Sedimentation with Enlarged Pacheco Pond. The alternatives include restoration of tidal and other wetland habitats, construction and improvement of levees, installation of new water conveyance structures, and construction of a recreational trail, among other elements.

Federal, state, and local agencies and the public have the opportunity to comment on this document during the comment period from July 19, 2002 to ~~September 03, 2002~~ September 13, 2002. A public meeting was be held on Wednesday, August 21, 2002 at 7:00 p.m. at the Marin County Humane Society, 171 Bel Marin Keys Boulevard, Novato, CA to solicit additional comments on the draft SEIR/S. Information on the project can be found on the Internet at http://www.coastalconservancy.ca.gov/belmarin. Written comments can also be submitted via email to: belmarinkeys@jsanet.com. The document is also available at the City of Novato downtown library, the south Novato Library, the Marin County central library, and City of Novato and Marin County Community Development departments.

FOR FURTHER INFORMATION: Questions and/or written comments about the proposed action and SEIR/EIS can be addressed to:

Tom Gandesbery, California State Coastal Conservancy, 1330 Broadway, 11th Floor, Oakland, CA 94612-2530; tgandesbery@scc.ca.gov; (510) 286-7028.

Eric Jolliffe, U.S. Army Corps of Engineers, San Francisco District, 333 Market Street., 7th Floor, San Francisco, CA 94105; ejolliffe@spd.usace.army.mil; (415) 977-8543.

Attachment S-2

Notice of Completion

Form A

See NOTE below

SCH # 1998031053

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

Project Title: Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project

Lead Agency: California State Coastal Conservancy — Contact Person: Tom Gandesbery

Street Address: 1330 Broadway, Suite 110 — Phone: 510-286-7028

City: Oakland, CA — Zip: 94612 — County: Alameda

Project Location

County: Marin — City/Nearest Community: Novato

Cross Streets: Bel Marin Keys Boulevard & Montego Key — Zip Code: 94949 — Total Acres: 1,587 acres

Assessor's Parcel — Section: — Twp. — Range: — Base:

Within 2 miles: State Hwy #: 101 and 37 — Waterways: Novato Creek, Arroyo San Jose, Pacheco Creek, San Pablo

Airports: — Railways: NPRR — Schools: Hamilton

Document Type

CEQA: [ ] NOP [ ] Early Cons [ ] Neg Dec [x] Draft EIR [x] Supplement/Subsequent Draft EIR (Prior SCH No.) 1998031053 [ ] Other

NEPA: [ ] NOI [ ] EA [x] Draft EIS [ ] FONSI

Other: [x] Joint Document [ ] Final Document [ ] Other

Local Action Type

[ ] General Plan Update [ ] General Plan Amendment [ ] General Plan Element [ ] Community Plan [ ] Specific Plan [ ] Master Plan [ ] Planned Unit Development [ ] Site Plan [ ] Rezone [ ] Prezone [ ] Use Permit [ ] Land Division (Subdivision, Parcel Map, Tract Map, etc.) [ ] Annexation [ ] Redevelopment [ ] Coastal Permit [x] Other Wetland Restoration

RECEIVED JUL 19 2002 STATE CLEARING HOUSE

Development Type

[ ] Residential: Units ____ Acres ____
[ ] Office: Sq.ft. ____ Acres ____ Employees ____
[ ] Commercial: Sq.ft. ____ Acres ____ Employees ____
[ ] Industrial: Sq.ft. ____ Acres ____ Employees ____
[ ] Educational
[ ] Recreational

[ ] Water Facilities: Type ____ MGD ____
[ ] Transportation: Type road and bridge construction
[ ] Mining: Mineral ____
[ ] Power: Type ____ Watts ____
[ ] Waste Treatment: Type ____
[ ] Hazardous Waste: Type ____
[x] Other: Wetland Restoration

Funding (approx.) Federal: $106 million State: $35 million Total: $141 million

Project Issues Discussed in Document

[x] Aesthetic/Visual
[x] Agricultural Land
[x] Air Quality
[x] Archeological/Historical
[ ] Coastal Zone
[x] Drainage/Absorption
[ ] Economic/Jobs
[ ] Fiscal
[x] Flood Plain/Flooding
[ ] Forest Land/Fire Hazard
[x] Geologic/Seismic
[ ] Minerals
[x] Noise
[ ] Population/Housing Balance
[x] Public Services/Facilities
[x] Recreation/Parks
[ ] Schools/Universities
[ ] Septic Systems
[ ] Sewer Capacity
[x] Soil Erosion/Compaction/Grading
[ ] Solid Waste
[x] Toxic/Hazardous
[x] Traffic/Circulation
[x] Vegetation
[x] Water Quality
[x] Water Supply/Groundwater
[x] Wetland/Riparian
[x] Wildlife
[x] Growth Inducing
[x] Land Use
[x] Cumulative Effects
[ ] Other

Present Land Use/Zoning/General Plan Use

Present Land Use – Agriculture; Present Zoning - Bay Front/Conservation – Residential single family planned (1 unit /2 acres)
Present General Designated Land Use = Agriculture/conservation

Project Description

Restore tidal salt marsh and other wetland habitat at the Bel Marin Keys Unit V parcel to create a diverse array of wetland and wildlife habitats at the site as an expansion of the Hamilton Wetlands Restoration Project. Two alternatives include placement of dredged material on site to accelerate tidal wetland establishment. Project also includes construction of a recreational trail.

State Clearinghouse Contact: Gregoria Garcia (916) 445-0613

State Review Began: 7 19 - 2002

SCH COMPLIANCE 9 ~~8~~ 13 - 2002

Extended Review

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: ____

Please forward late comments directly to the Lead Agency

AQMD/APCD 2

(Resources: 7,20)

Project Sent to the following State Agencies

X Resources
X Boating & Waterways
X Coastal Comm
___ Colorado Rvr Bd
___ Conservation
X Fish & Game # 3
X Delta Protection Comm
___ Forestry & Fire Prot
X Historic Preservation
X Parks & Rec
___ Reclamation Board
___ Bay Cons & Dev Comm
___ DWR
___ OES (Emergency Svcs)

Bus Transp Hous

___ Aeronautics
X CHP
X Caltrans # 4
___ Trans Planning
___ Housing & Com Dev
___ Food & Agriculture
___ Health Services

State/Consumer Svcs

___ General Services

Cal EPA

___ ARB – Airport Projects
X ARB – Transportation Projects
___ ARB – Major Industrial Projects
___ Integrated Waste Mgmt Bd
___ SWRCB: Clean Wtr Prog
___ SWRCB: Wtr Quality
___ SWRCB: Wtr Rights
X Reg. WQCB # 2
X Toxic Sub Ctrl-CTC

Yth/Adlt Corrections

___ Corrections

Independent Comm

___ Energy Commission
X NAHC
X Public Utilities Comm
___ Santa Monica Mtns
X State Lands Comm
___ Tahoe Rgl Plan Agency

___ Other: ____

S-2 Office of Planning and Research, State Clearinghouse

S-2.1

Comment noted.

Department of Toxic Substances Control

Edwin F. Lowry, Director
1001 "I" Street, 25th Floor
P.O. Box 806
Sacramento, California 95812-0806

Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Gray Davis
Governor

Comment Letter S-3

July 26, 2002

Tom Gandesbery
California State Coastal Conservancy
1330 Broadway, Suite 110
Oakland, California 94612

Re: Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project

The Department of Toxic Substances Control (DTSC) is in receipt of the environmental document identified above. Based on a preliminary review of this document, we have determined that additional review by our regional office will be required to fully assess any potential hazardous waste related impacts from the proposed project. The regional office and contact person listed below will be responsible for the review of this document in DTSC's role as a Responsible Agency under the California Environmental Quality Act (CEQA) and for providing any necessary comments to your office:

S-3.1

Barbara Cook
Site Mitigation Branch
700 Heinz Avenue Suite 200
Berkeley, California 94710

If you have any questions concerning DTSC's involvement in the review of this environmental document, please contact the regional office contact person identified above.

Sincerely,

Guenther W. Moskat

Guenther W. Moskat, Chief
Planning and Environmental Analysis Section

cc: Barbara Cook
Site Mitigation Branch
700 Heinz Avenue Suite 200
Berkeley, California 94710

S-3 California Department of Toxic Substances Control (DTSC) July 26, 2002

S-3.1

Comment noted.

Comment Letter S-4

STATE OF CALIFORNIA GRAY DAVIS, *Governor*

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

PAUL D. THAYER, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone **1-800-735-2922**
from Voice Phone **1-800-735-2929**

Contact Phone: **(916) 574-1858**
Contact FAX: **(916) 574-1925**

September 3, 2002

File Ref: W 25136

Tom Gandesbery
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530

Dear Mr. Gandesbery:

Thank you for the opportunity to comment on the proposed Bel Marin Keys Unit V Expansion (BMK) Draft Supplemental Environmental Impact Report/Environmental Impact Statement (SCH # 1998031053). In general, the SLC staff supports the concept of additional wetland creation and the advantages associated with increased volume of re-usable dredge material. However we're concerned that the tentatively recommended plan (Alternative Two) selects a final land use for North Antennae Field (NAF) parcel that could limit the remedial options available for the NAF area presently contaminated with lead and other hazardous substances.

Specifically, we note that the future planned use of the NAF area is "high transitional marsh" under all of the alternatives, including the tentatively recommended Alternative Two. This land use would require raising the elevation of the existing parcel to approximately 3.5 feet above mean sea level through the beneficial reuse of dredged material. We would prefer that the entire NAF parcel become tidal salt marsh habitat as proposed in the HWRP as the benefits of an isolated high transitional marsh area do not appear to be thoroughly explained. S-4.1

While we recognize that one potential remedial option for the NAF contaminated area is *in situ* treatment and disposal (as the future "high transitional marsh" apparently contemplates), we believe that this proposed future land use is premature since the risk assessments, feasibility study, and remedial action plan are not yet completed. We are also concerned about the scenario of no FUDS money being available for the remediation of the NAF. If the human health or ecological risk assessment establishes adverse risk to those receptors, FUDS funding should be expeditiously made available to address those risks. S-4.2

Also, before resources are irretrievably committed to a certain course of action, we wish to state as landowner the SLC staff's strong preference for the removal of the source(s) of contamination from the NAF parcel and subsequent off-site disposal in an appropriated permitted facility. This remedy would provide overall the most level of protection while, in addition, being the most effective and permanent in both the short and long term. Finally, it is questionable whether *in situ* treatment and disposal would be consistent with public trust purposes or the highest and best use of these lands. S-4.3

Specific Comments

Section 6.1.3. California law authorizes the SLC to enter into permits or leases as real property interests on lands subject to the public trust. It is unfortunate that federal guidelines require a greater property interest than authorized S-4.4

by state law. We consider a forty-nine year lease and accompanying right of first refusal to re-new to be a sufficient property interest to support a federal cost-shared project.

We must also point out that the discussions with SLC representatives and Counsel referred to in 6.1.3 were conducted in the context of the entire NAF parcel becoming tidal salt marsh habitat as proposed in the HWRP. SLC staff did not discuss the BMK proposal to convert the NAF to high transitional marsh habitat. It is uncertain how the HWRP is improved by converting the NAF to an isolated "high transitional marsh" habitat. Without more information, it is doubtful that the SLC would find that the NAF parcel had "significant environmental values", particularly if the purpose of the high transitional marsh is to provide for *in situ* disposal of the contamination present at the NAF parcel. S-4.5

Sincerely,

Dave Plummer
Regional Manager

S-4 California State Lands Commission

S-4.1

High transitional marsh would provide refugia for species utilizing adjacent tidal marsh during high-tide events and would provide a component of diverse habitat in a wide plain of tidal marsh. The design of a high transitional marsh on the SLC parcel precludes neither removal of source contamination nor *in situ* treatment and disposal. Use of the SLC parcel for tidal marsh was analyzed in the 1998 EIR/EIS for the HWRP. The Draft SEIR/EIS analyzes use of a portion of the site for high transitional marsh. Remedial options are addressed through the BRAC and FUDS processes. Between the 1998 document and this supplemental document, several possible uses for the SLC parcel relative to wetland design have been analyzed and disclosed. If the BMKV expansion is authorized as an addition to the HWRP and later it is determined that tidal marsh use is more appropriate for the SLC site, at that point the lead agencies for the HWRP would examine whether any additional NEPA or CEQA compliance would be necessary in light of the analysis provided in the existing NEPA and CEQA documents. At this juncture, the plan is for high transitional marsh on a portion of SLC.

S-4.2

As the commenter indicates, *in situ* treatment is merely one of a large number of remediation options available. The site investigation and remediation process is not controlled by the HWRP, but as the site is still in the investigation stage it is understood that no individual remediation option has yet been selected, nor even proposed. Neither are the extent or timing of FUDS remediation funding under the control of the HWRP. The Draft GRR merely evaluates the available project implementation options under the conceivable scenario of delayed FUDS funding for site remediation.

S-4.3

The SLC staff's strong preference for "removal of the source(s) of contamination" is noted. Authorization of this project would not irretrievably commit the Government to a particular course of remedial action. The design of a high transitional marsh on the SLC parcel precludes neither removal of source contamination nor *in situ* treatment and disposal.

S-4.4

The Corps acknowledges the SLC's viewpoint on the adequacy of a 49-year permit or lease, coupled with a right of first refusal to renew, as a real property interest underlying this ecosystem restoration project. Lease period(s) of finite length would require a deviation from the Corps' long-standing policy of requiring fee title underlying such projects. The Draft GRR reflects 2 options found potentially viable in resolving the real property interest issue, which would require no deviation from Corps policy requiring fee title, or deviation to a lesser degree than would result in the case of a lease. Selection from among the available real property interest alternatives would be made as the SLC parcel approaches a condition suitable for restoration purposes under the FUDS remediation program.

S-4.5

As indicated in response to SLC's comment S-4.4, the Corps has evaluated and generally reviewed with the SLC, the project non-Federal sponsor, and other parties several options for resolving the real property interest issue. One of the 2 options identified as potentially viable would involve a determination of "significant environmental value" as a prerequisite to placement of the parcel on the California Significant Lands Inventory. Selection of an appropriate alternative from among the available options would be made as the SLC parcel approaches a condition suitable for restoration purposes under the FUDS remediation program.

California Regional Water Quality Control Board
San Francisco Bay Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 FAX (510) 622-2460

Gray Davis
Governor

Comment Letter S-5

Date:
File No. 2158.02 (CLS)

Tom Gandesbery
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530

RE: Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project
SCH# 1998031053

Dear Mr. Gandesbery,

We have reviewed the Draft Supplemental Environmental Impact Report Statement for the above referenced project. The document presents the potential environmental consequences associated with restoring wetlands on the 1,584-acre Bel Marin Keys Unit V property as an expansion of the Hamilton Wetland Restoration Project. The Army Corps of Engineers (Corps) is the lead agency for this project under the National Environmental Policy Act (NEPA). The California State Coastal Conservancy is the lead agency for this project under the California Environmental Quality Act (CEQA). The two major objectives of the project are to create a diverse array of wetland and wildlife habitats that benefit a number of threatened and other species, and to reduce open-water dredged material disposal and beneficially re-use that material to the maximum extent practicable. First, we would like to express our support for this restoration project and commend Marin County, the Corps, and the California Coastal Conservancy for managing this large and important wetland restoration project.

The three alternatives discussed in the DSEIR/EIS would all have significant impacts on the project site. Whichever alternative is ultimately decided upon, measures must be taken to ensure minimum disruption of habitats and species within and around the project site. Because the proposed project is likely to follow a timetable of years, it is important for the project sponsors to remain diligent throughout all phases of construction in order to minimize negative impacts caused during the construction processes. The project should minimize erosion and control sediment during and after construction, by developing and implementing an erosion control or equivalent plan. S-5.1

A few suggested updates to Chapter 4, addressing water quality and the role of the Regional Board, are provided below. The California Toxics Rule (CTR) was adopted in May 2000 and Regional Board staff is currently developing amendments to the Basin Plan to incorporate the S-5.2

CTR water quality criteria values. The 1992 General Construction Storm Water Discharge Permit was reissued in 1999 and modifications made in 2001. Table 4-11 incorrectly states that the RWQCB Draft 2000 Sediment Screening Criteria for cover for PCBs is 22.7 mg/kg. The correct number should be 0.0227 mg/kg. S-5.2 Con't.

Regional Board staff is unable to offer more specific comments at this time, however, I have attached our **General Comments**, which discuss the Regional Board's areas of responsibility which should be of assistance to the project sponsor.

If you have any questions please feel free to call me at 510.622.2348 or e-mail at mll@rb2.swrcb.ca.gov.

Sincerely,

Marla Lafer
Water Resource Control Engineer

Enclosed: General Comments
cc: State Clearinghouse

General Comments

The San Francisco Regional Water Quality Control Board (Regional Board or RWQCB) is charged with the protection of the Waters of the State of California in the San Francisco Bay Region, including wetlands and stormwater quality. The Regional Board is responsible for administering the regulations established by the Federal Clean Water Act. Additionally, the California Water Code establishes broad state authority for regulation of water quality. The San Francisco Bay Basin Water Quality Control Plan (Basin Plan) explains the Regional Board's strategy for regulating water quality. The Basin Plan also describes the range of responses available to the Regional Board with regard to actions and proposed actions that degrade or potentially degrade the beneficial uses of the Waters of the State of California.

NPDES

Water quality degradation is regulated by the Federal National Pollutant Discharge Elimination System (NPDES) Program, established by the Clean Water Act, which controls and reduces pollutants to water bodies from point and nonpoint discharges. In California, the program is administered by the California Regional Water Quality Control Boards. The Regional Board issues NPDES permits for discharges to water bodies in the San Francisco Bay Area, including Municipal (area- or county-wide) Stormwater Discharge Permits.

Projects disturbing more than five acres of land during construction must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (General Permit). This can be accomplished by filing a Notice of Intent with the State Water Resources Control Board. An NOI and the General Permit can be obtained from the Board at (510) 622-2300. The project sponsor must propose and implement control measures that are consistent with the General Permit and with the recommendations and policies of the local agency and the RWQCB.

Projects that include facilities with discharges of Storm Water Associated with Industrial Activity must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Industrial Activity. This may be accomplished by filing a Notice of Intent. The project sponsor must propose control measures that are consistent with this, and with recommendations and policies of the local agency and the RWQCB. In a few cases, the project sponsor may apply for (or the RWQCB may require) issuance of an individual (industry- or facility-specific) permit.

The RWQCB's Urban Runoff Management Program requires Bay Area municipalities to develop and implement storm water management plans (SWMPs). The SWMPs must include a program for implementing new development and construction site storm water quality controls. The objective of this component is to ensure that appropriate measures to control pollutants from new development are: considered during the planning phase, before construction begins; implemented during the construction phase; and maintained after construction, throughout the life of the project.

Impacts and Mitigation Measures

Wetlands

Wetlands enhance water quality through such natural functions as flood and erosion control, stream bank stabilization, and filtration and purification of contaminants. Wetlands also provide critical habitats for hundreds of species of fish, birds, and other wildlife, offer open space, and provide many recreational opportunities. Water quality impacts occur in wetlands from construction of structures in waterways, dredging, filling, and altering drainage to wetlands.

The Regional Board must certify that any permit issued by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act (covering, dredging, or filling of Waters of the United States, including wetlands) complies with state water quality standards, or waive such certification. Section 401 Water Quality Certification is necessary for all 404 Nationwide permits, reporting and non-reporting, as well as individual permits.

All projects must be evaluated for the presence of jurisdictional wetlands and other Waters of the State. Destruction of or impact to these waters should be avoided. If the proposed project impacts wetlands or other Waters of the State and the project applicant is unable to demonstrate that the project was unable to avoid those adverse impacts, water quality certification will most likely be denied. 401 Certification may also be denied based on significant adverse impacts to wetlands or other Waters of the State. In considering proposals to fill wetlands, the Regional Board has adopted the California Wetlands Conservation Policy (Executive Order W-59-93, signed August 23, 1993). The goals of the Policy include ensuring "no overall net loss and achieving a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values." Under this Policy, the Regional Board also considers the potential post-construction impacts to wetlands and Waters of the State and evaluates the measures proposed to mitigate those impacts (see Storm Water Quality Control, below).

The Regional Board has adopted U.S. EPA's Clean Water Act Section 404(b)(1) "Guidelines for Specification of Disposal Sites for Dredge or Fill Material," dated December 24, 1980, in the Board's Basin Plan for determining the circumstances under which fill may be permitted.

Section 404(b)(1) Guidelines prohibit all discharges of fill material into regulated waters of the United States, unless a discharge, as proposed, constitutes the least environmentally damaging practicable alternative that will achieve the basic project purpose. For non-water dependent projects, the guidelines assume that there are less damaging alternatives, and the applicant must rebut that assumption.

The Section 404(b)(1) Guidelines sequence the order in which proposals should be approached. First, impacts to wetlands or Waters of the State must be avoided to the maximum extent practicable. Second, the remaining impacts must be minimized. Finally, the remaining unavoidable adverse impacts to wetlands or Waters of the State must be mitigated. Mitigation will be preferably in-kind and on-site, with no net destruction of habitat value. A proportionately greater amount of mitigation is required for projects that are out-of-kind and/or off-site. Mitigation will preferably be completed prior to, or at least simultaneous to, the filling or other loss of existing wetlands.

Successful mitigation projects are complex tasks and difficult to achieve. This issue will be strongly considered during agency review of any proposed wetland fill. Wetland features or ponds created as mitigation for the loss of existing jurisdictional wetlands or Waters of the United States cannot be used as storm water treatment controls.

In general, if a proposed project impacts wetlands or Waters of the State and the project applicant is unable to demonstrate that the project was unable to avoid adverse impacts to wetlands or Waters of the State, water quality certification will be denied. 401 Certification may also be denied based on significant adverse impacts to wetlands or other Waters of the State.

Storm Water Quality Control

Storm water is the major source of fresh water to creeks and waterways. Storm water quality is affected by a variety of land uses and the pollutants generated by these activities. Development and construction activities cause both site-specific and cumulative water quality impacts. Water quality degradation may occur during construction due to discharges of sediment, chemicals, and wastes to nearby storm drains or creeks. Water quality degradation may occur after construction is complete, due to discharges of petroleum hydrocarbons, oil, grease, and metals from vehicles, pesticides and fertilizers from landscaping, and bacteria from pets and people. Runoff may be concentrated and storm water flow increased by newly developed impervious surfaces, which will mobilize and transport pollutants deposited on these surfaces to storm drains and creeks. Changes in runoff quantity or velocity may cause erosion or siltation in streams. Cumulatively, these discharges will increase pollutant loads in creeks and wetlands within the local watershed, and ultimately in San Francisco Bay.

To assist municipalities in the Bay Area with complying with an area-wide NPDES Municipal Storm Water Permit or to develop a Baseline Urban Runoff Program (if they are not yet a co-permittee with a Municipal Storm Water Permit), the Regional Board distributed the *Staff Recommendations for New and Redevelopment Control for Storm Water Programs* (Recommendations) in April 1994. The Recommendations describe the Regional Board's expectations of municipalities in protecting storm water quality from impacts due to new and redevelopment projects, including establishing policies and requirements to apply to development areas and projects; initiating appropriate planning, review, approval, and inspection procedures; and using best management practices (BMPs) during construction and post-construction.

Project impacts should be minimized by developing and implementing a Storm Water Pollution Prevention Plan (SWPPP). A SWPPP is required by the State Construction Storm Water General Permit (General Permit). The SWPPP should be consistent with the terms of the General Permit, the Manual of Standards for Erosion & Sedimentation Control Measures by the Association of Bay Area Governments (ABAG), policies and recommendations of the local urban runoff program (city and/or county), and the Recommendations of the RWQCB. SWPPPs should also be required for projects that may have impacts, but which are not required to obtain an NPDES permit. Preparation of a SWPPP should be a condition of development. Implementation of the SWPPP should be enforced during the construction period via appropriate options such as citations, stop work orders, or withholding occupancy permits.

Impacts identified should be avoided and minimized by developing and implementing the types of controls listed below. Explanations of the controls are available in the Regional Board's construction *Field Manual*, available from Friends of the San Francisco Estuary at (510) 286-0924, in BASMAA's *Start at the Source*, and in the *California Storm Water Best Management Practice Handbooks*.

Site Planning

The project should minimize impacts from project development by incorporating appropriate site planning concepts. This should be accomplished by designing and proposing site planning options as early in the project planning phases as possible. Appropriate site planning concepts to include, but are not limited to the following:

- Phase construction to limit areas and periods of impact.
- Minimize directly connected impervious areas.
- Preserve natural topography, existing drainage courses and existing vegetation.
- Locate construction and structures as far as possible from streams, wetlands, drainage areas, etc.
- Provide undeveloped, vegetated buffer zones between development and streams, wetlands, drainage areas, etc.
- Reduce paved area through cluster development, narrower streets, use of porous pavement and/or retaining natural surfaces.
- Minimize the use of gutters and curbs which concentrate and direct runoff to impermeable surfaces.
- Use existing vegetation and create new vegetated areas to promote infiltration.
- Design and lay out communities to reduce reliance on cars.
- Include green areas for people to walk their pets, thereby reducing build-up of bacteria, worms, viruses, nutrients, etc. in impermeable areas, or institute ordinances requiring owners to collect pets' excrement.
- Incorporate low-maintenance landscaping.
- Design and lay out streets and storm drain systems to facilitate easy maintenance and cleaning.
- Consider the need for runoff collection and treatment systems.
- Label storm drains to discourage dumping of pollutants into them

Erosion

The project should minimize erosion and control sediment during and after construction. This should be done by developing and implementing an erosion control plan, or equivalent plan. This plan should be included in the SWPPP. The plan should specify all control measures that will be used or which are anticipated to be used, including, but not limited to, the following:

- Limit access routes and stabilize access points.
- Stabilize denuded areas as soon as possible with seeding, mulching, or other effective methods.
- Protect adjacent properties with vegetative buffer strips, sediment barriers, or other effective methods.
- Delineate clearing limits, easements, setbacks, sensitive areas, vegetation and drainage courses by marking them in the field.
- Stabilize and prevent erosion from temporary conveyance channels and outlets.
- Use sediment controls and filtration to remove sediment from water generated by dewatering or collected on-site during construction. For large sites, stormwater settling basins will often be necessary.

Chemical and Waste Management

The project should minimize impacts from chemicals and wastes used or generated during construction. This should be done by developing and implementing a plan or set of control measures. The plan or control measures should be included in the SWPPP. The plan should specify all control measures that will be used or which are anticipated to be used, including, but not limited to, the following:

- Designate specific areas of the site, away from streams or storm drain inlets, for storage, preparation, and disposal of building materials, chemical products, and wastes.
- Store stockpiled materials and wastes under a roof or plastic sheeting.
- Store containers of paint, chemicals, solvents, and other hazardous materials stored in containers under cover during rainy periods.
- Berm around storage areas to prevent contact with runoff.
- Cover open Dumpsters securely with plastic sheeting, a tarp, or other cover during rainy periods.
- Designate specific areas of the site, away from streams or storm drain inlets, for auto and equipment parking and for routine vehicle and equipment maintenance.
- Routinely maintain all vehicles and heavy equipment to avoid leaks.
- Perform major maintenance, repair, and vehicle and equipment washing off-site, or in designated and controlled areas on-site.
- Collect used motor oil, radiator coolant or other fluids with drip pans or drop cloths.
- Store and label spent fluids carefully prior to recycling or proper disposal.
- Sweep up spilled dry materials (cement, mortar, fertilizers, etc.) immediately--do not use water to wash them away.
- Clean up liquid spills on paved or impermeable surfaces using "dry" cleanup methods (e.g., absorbent materials, cat litter, rags) and dispose of cleanup materials properly.
- Clean up spills on dirt areas by digging up and properly disposing of the soil.
- Keep paint removal wastes, fresh concrete, cement mortars, cleared vegetation, and demolition wastes out of gutters, streams, and storm drains by using proper containment and disposal.

Post-Construction

The project should minimize impacts from pollutants that may be generated by the project following construction, when the project is complete and occupied or in operation. These pollutants may include: sediment, bacteria, metals, solvents, oil, grease, and pesticides, all of which are typically generated during the life of a residential, commercial, or industrial project after construction has ceased. This should be done by developing and implementing a plan and set of control measures. The plan or control measures should be included in the SWPPP.

The plan should specify all control measures that will be used or which are anticipated to be used, including, but not limited to, the source controls and treatment controls listed in the Recommendations. Appropriate control measures are discussed in the Recommendations, in:

- Table 2: Summary of residential post-construction BMP selection
- Table 3: Summary of industrial post-construction BMP selection
- Table 4: Summary of commercial post-construction BMP selection

Additional sources of information that should be consulted for BMP selection include the *California Storm Water Best Management Practice Handbooks;* the Bay Area Preamble to the *California Storm Water Best Management Practice Handbooks and New Development Recommendations*; the BASMAA New Development Subcommittee meetings, minutes, and distributed information; and Regional Board staff. Regional Board staff also have fact sheets and other information available for a variety of structural stormwater treatment controls, such as grassy swales, porous pavement and extended detention ponds.

S-5 San Francisco Regional Water Quality Control Board (SFRWQCB)

S-5.1

Comment noted. As noted in table 1-1 in the Draft SEIR/EIS, a Stormwater Pollution Prevention Plan (SWPPP) would need to be prepared pursuant to Section 402 of the Clean Water Act. This is also noted on page 4-44. The project includes the establishment of water quality detention basins (see page 3-14). In addition, Mitigation Measure WQ-4 includes a water quality monitoring program to be developed in accordance with Waste Discharge Requirements (WDRs) to be established during permitting by the RWQCB.

S-5.2

Mention of the California Toxic Rule (CTR) has been expanded to provide the reader a better overview of the rule and the amendments under development to the Basin Plan. Details regarding the General Construction Storm Water Discharge Permit have been updated. The typo on table 4-11 regarding criteria for PCBs has been corrected to 0.0227 mg/kg. The noncover criteria has been corrected to 0.180 mg/kg

Department of Toxic Substances Control

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Comment Letter S-6

September 13, 2002

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DRAFT SUPPLEMENTAL EIS/EIR, BEL MARIN KEYS-V EXPANSION OF THE HWRP, AND DRAFT GENERAL REEVALUATION REPORT SCH # 1998031053

Dear Messrs. Jolliffe and Gandesbery:

The Department of Toxic Substances Control (DTSC) has completed its review of the *"Draft Supplemental Environmental Impact Statement/Environmental Impact Report (EIR), Bel Marin Keys-V (BMKV) Expansion of the Hamilton Wetland Restoration Project (HWRP)"*, including the *"Draft General Reevaluation Report"* (GRR) (SCH# 1998031053). The enclosed comments (Enclosure 1) are being provided in our capacity as a Responsible Agency as defined under the provisions of the California Environmental Quality Act (CEQA)[1] and accompanying Guidelines.[2]

As you are aware, discussions of the remedial action plan for the Inboard Area of the Hamilton Army Airfield (HAAF) is ongoing, and only preliminary discussions have begun for determining remedial actions at the HAAF Coastal Salt Marsh and the North Antenna Field (NAF). It should be noted there have been no discussions regarding the potential remediation needed for the BMKV.

The EIR indicates the parties responsible for contamination at the HAAF and NAF are relying on the HWRP to address contamination they anticipate leaving behind. Remedial alternatives which include leaving wastes behind would include land use S-6.1

[1] California Public Resources Code Section 25000 et seq.
[2] California Code of Regulations Section 15000 et seq.

restrictions. DTSC would implement the land use restrictions by entering into a land use covenant with the current owner, as described in California Civil Code Section 1471. Since remediation is anticipated to be accomplished, at least in part, through the design and implementation of the HWRP, DTSC needs to assure the EIR fulfills our obligations under CEQA for approval of the remedial action plans for the various properties. This approach will ensure the overall impacts associated with our respective elements of the project are fully analyzed, and allow for coordination of the wetland development with remediation of the HAAF, NAF and BMKV. We would like to work with you to assure this approach is consistent with your plans for the wetland restoration project. S-6.1 Con't.

The EIR indicates flexibility in the construction schedule for the HWRP due to uncertainties in the environmental remediation of HAAF and NAF is a key reason for expanding the HWRP to include BMKV. Since the environmental work at the BMKV parcel is at the preliminary investigation phase, please provide your schedule for completing the work. We also note the HWRP construction schedule relies on a portion of the NAF being available for wetland restoration prior to other areas. We will work with the Army to expedite the investigation and remediation of this area, and would appreciate a detailed map of the area in question. S-6.2

The EIR indicates the HAAF property may be transferred to the State Coastal Conservancy (SCC) via a Finding of Suitability to Transfer (FOST), and final remediation activities are to be completed by the HWRP. The EIR does not indicate when the transfer is to take place, but the EIR should be revised to indicate the HAAF site cannot be transferred via a FOST until the remediation activities contemplated as part of the HWRP are completed. If the remedy is not completed prior to transfer of the property to SCC, the transfer would be considered an "early transfer" and a Finding of Suitability for Early Transfer (FOSET) would be required. Prior to transfer of HAAF to a non-federal party (e.g., the SCC), the Army would need to provide a warranty pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120(h)(3), and approval of the governor of the state of California. S-6.3

If you have any questions please call me at (916) 255-3728 or Mr. Lance McMahan at (916) 255-3674.

Sincerely,

Donn Diebert, P.E.
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Office of Military Facilities

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ENCLOSURE 1

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
COMMENTS ON THE
July 2002
DRAFT GENERAL REEVALUATION REPORT
and
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT/
ENVIRONMENTAL IMPACT STATEMENT
for
BEL MARIN KEYS UNIT V EXPANSION OF THE
HAMILTON WETLAND RESTORATION PROJECT
NOVATO, CALIFORNIA

September 2002

The Department of Toxic Substances Control (DTSC) has completed its review of the *Draft Supplemental Environmental Impact Statement/ Environmental Impact Report (EIR), Bel Marin Keys-V (BMKV) Expansion of the Hamilton Wetland Restoration Project (HWRP)*, including the *Draft General Reevaluation Report* (GRR). Several aspects of the EIR are directly related to remediation of environmental contamination at areas the DTSC is working with the Army and Navy to address. DTSC is responsible for regulating hazardous substances as identified in Chapters 6.5 and 6.8 of the California Health and Safety Code (H&SC), and will be relying on the EIR to evaluate the environmental impacts associated with approval and implementation of remediation activities conducted through the HWRP construction. DTSC should therefore be identified as a *Responsible Agency* for the HWRP within the meaning of CEQA. DTSC should also be identified as a potential *Lead Agency* since it may be required to conduct additional environmental review for remediation activities that are not addressed in the EIR. We look forward to working with you as you prepare a response to these comments. S-6.4

Contamination levels within portions of the HWRP study area would, absent remediation, preclude the use of the property for its intended use. The environmental condition of the property within the HWRP study area and the work needed to address the contamination should be described in greater detail and should include the following information: 1) The investigation and remediation that has been done; 2) What contaminants have been found and the current concentrations, locations, and the potential risk they posed to receptors in a wetland environment; 3) Comparison of existing contaminant concentrations to the dredge reuse criteria presented in Table 4-11; 4) The investigation and remediation remaining to be completed; 5) Discussion of the September 27, 2000 DTSC and May 16, 2002 USFWS correspondence related to remediation of BMKV; 6) The need for a Remedial Action Plan (RAP) or RAPs approved by DTSC pursuant to Title 22 to address remediation of hazardous substance S-6.5

releases at HAAF, SLC and Navy Ballfields; 7) The need for a Remedial Design (RD) for implementation of the identified RAP (Where the RAP and RD are dependent on the HWRP for the remedy); 8) The schedule for completing all remaining investigation and remediation work in coordination with the HWRP construction schedule; 9) Evaluation of the Navy Ballfield for remediation, as DTSC is aware of several previously unidentified potential release locations (revetments) that need to be characterized; 10) The clean-up measures proposed for BMKV (these were not found in the Phase I report); and 11) A map of the entire HWRP area with the dates the parties acquired the various parcels. Contaminant issues should also be addressed in EIR Section 5, *Cumulative Impacts*. S-6.6

The EIR did not include a sufficient understanding of the relationship, including schedule, between the anticipated remediation activities and the wetland restoration activities. GRR Section 6.1.6, *HTRW*, states "The BRAC program's cleanup goals will be accomplished, in part, through the design and implementation of the ecosystem restoration Project; thus, full remediation awaits completion of HWRP construction activities on the HAAF parcel." Excavation and off-site disposal of hotspots, along with capping remaining concentrations of concern using clean imported material (e.g., dredge spoils) is being discussed as a means of mitigating hazardous materials contamination at HAAF. Any contamination at concentrations of concern remaining onsite would be subject to institutional controls, monitoring, and maintenance as part of the remedy. S-6.7

For parcels where contamination is left above cleanup goals, the EIR should indicate use restrictions recorded in the deed are needed. Generally, the state implements land use restrictions by entering into a land use covenant with the current owner as described in California Civil Code Section 1471. These use restrictions would then "run with the land" and be binding on each future owner and/or occupant of the property. The EIR implies neither of the project sponsors (Army and SCC) anticipates maintaining ownership of the HWRP properties. Please identify the party(ies) to whom the project sponsors intend to transfer the properties, and indicate whether they are willing to accept responsibility for maintaining the hazardous substances remedy. S-6.8

EIR Appendix A, *Hamilton Wetland Restoration Project Description*, page 3-6, indicates the HAAF property may be transferred via a Finding of Suitability to Transfer (FOST) while remediation activities are being undertaken by the HWRP. Until the remedy is completed, HAAF may only be transferred to a non-federal party with a warranty pursuant to CERCLA Section 120(h)(3), and with the approval of the governor of the state of California. Such a warranty is included within a Finding of Suitability for Early Transfer (FOSET). S-6.9

It is unclear whether the soils proposed for delivery to the HAAF, or the proposed manner of placement, will stabilize the wastes. GRR Section 5.9.2, *Construction Sequencing*, indicates sandy soil is the preferred material for use in the deep fills S-6.10

required in the seasonal wetland areas at HAAF. DTSC also understands the HWRP is considering direct pumping of the dredge slurry (80% water, 20% solids) onto the contaminated ground, allowing the solids to settle over a 6-12 month period, and then discharging the decant water to San Pablo Bay. DTSC is concerned contaminants may be mobilized as the result of erosion from placement of the slurry, as well as bioturbation by organisms that may be imported with the slurry or otherwise take up residence in the slurry settling basin during the settlement process. Please describe whether the fill material proposed for use at HAAF will remain stable through time for the various locations on site (e.g., upland areas, secondary channels, and primary channels). To better evaluate the activities please provide the design for the wetland, including the initial topography planned for the site following construction, and describe, using appropriate modeling, anticipated changes in that topography through time. Please also revise the EIR to require a construction process for placing the three feet of stable cover over areas of concern avoiding disturbance of contaminants, whether by erosion, bioturbation, or other mechanisms. S-6.10 Con't.

The stability of levees and the quality of levee soils should be clarified in the EIR. Some levees are currently sinking, and the rate of settlement is unclear. The anticipated stability of all levees during the life of the project should be clarified. Soil contamination on the levees adjacent to the SLC and HAAF parcels are unknown and may not be suitable for reuse as on-site final cover. Contamination of the soils at potential levee breach locations, both between parcels and adjacent to San Pablo Bay, should be discussed. Please provide the details for a work plan and schedule to determine the condition of the levee soils. Should wastes be managed on-site, certification by DTSC (or its designee) that all remedial actions have been completed will be needed prior to decommissioning the flood control system or breaching the levees. S-6.11

The EIR provides an incomplete description of environmental releases at HAAF. EIR page 4-130, *Source Areas of Hazardous Substances and Waste: Hamilton Army Airfield Site*, indicates past activities at the HAAF site have resulted in contamination associated with the JP-4 jet fuel line, Buildings 20 and 26, and the dredged spoil area west of Building 20. Over 50 sites have been evaluated at HAAF, and polynuclear aromatic hydrocarbon (PNA) contamination in various areas along with site wide pesticide contamination have been identified. Additionally, the September 2001 Archive Search Report (ASR) for HAAF identified a number of new potential release locations, including a potential burial area in Pacheco Pond. It is unclear whether this site has impacted the water or sediment quality of Pacheco Pond, as the site requires further investigation. The EIR should present the results of recent water and sediment monitoring of Pacheco Pond. In addition, the *Enhanced Preliminary Assessment*, January 1990, recommended ordnance sweeps of three areas potentially used as bombing ranges. One of the suspected ordnance areas has been identified north of the HAAF revetments (i.e., BMKV and NAF) and another is in the vicinity of Ignacio Reservoir (Pacheco Pond). Mitigation measures to address ordnance S-6.12

encounters should be an integral part of any significant intrusive activities in potential ordnance areas, and are subject to all hazardous waste investigation and treatment regulations and requirements. The Army has agreed to prepare and submit a draft preliminary assessment work plan to DTSC for the investigation of the ASR sites. S-6.12 Con't.

GRR and EIR Figures 3-1, 3-5, and 3-8 present the anticipated condition of the BMKV, SLC, Navy Ballfields, and HAAF parcels at maturity. DTSC requests further insight into the wetland design process due to concerns about the stability of contaminants that may be managed on-site from initial construction through wetland maturation. In early 2001, the project proponents made several wetland conceptual design presentations to aid in the integration of the wetland design with measures for managing contaminated soils in-place. For background previous hydrologic modeling indicates scour of the current native soils in primary and secondary channels is likely, thus suggesting wastes left in-place in some areas would be subject to tidal action. The modeling also indicated internal levees proposed for use in covering contaminated sites and "erosion" of non-erodible materials (e.g., the concrete runway) is likely to occur. This suggests the model does not properly deal with hard surfaces. In mid 2001, the Army indicated additional modeling and design information would be provided later that year. The revised modeling should also indicate the anticipated acreage of each type of habitat that would result from each scenario. Please include the updated wetland design, hydrodynamic modeling and conceptual wetland modeling for the entire HWRP in the EIR. S-6.13

Construction of the BMKV portion of the wetland in the absence of timely remediation of the SLC parcel was identified as a key desirable option of the proposed project due to uncertainties regarding remediation of contaminants at SLC and HAAF. However, all three alternatives include wetland features within the SLC parcel. Clarification of the following would help address this issue:

a) EIR page 3-18, *Construction Timing, Alternative 1*, indicates, "...the schedule is dependent, in part, upon completion of the FUDS remedial activities on certain portions of the SLC parcel (emphasis added)." DTSC is working with the Army to address potential contaminants throughout the SLC parcel, so there is currently no foundation for differentiating one portion of the SLC parcel from another. S-6.14
b) Construction of the HAAF and BMKV portions of the wetland prior to remediation of the SLC parcel would have a significant impact on the ability to complete the SLC remediation, due to loss of access. Please indicate how this would be mitigated.
c) Whether soils at the SLC parcel will be covered as mitigation for soil contamination has not yet been determined, and USFWS has expressed concerns regarding this approach. Other options under consideration include: 1) removal of contaminants of concern to allow unrestricted use; and 2) removal and off-site disposal of contaminants to concentrations below the

non-cover criteria along with placement of three feet of stable cover to manage the remaining contamination. S-6.14 Con't.

The SF-USACE and SCC had stated there is no guarantee regarding the quantity of dredge spoil material that would be provided prior to breaching the levee after eight years of construction have elapsed. EIR page 3-16, *Phase 2 – Dredged Material Placement: Pump Dredged Material*, indicates the Corps has estimated adequate dredged material supplies are available for the HWRP/BMKV expansion project. Please prepare tabulated dredge spoils information to document whether there will be adequate dredge spoils in-place to meet remediation needs prior to breaching the levee. This tabulation should include the placement of three feet of stable cover across all contaminated areas within the HWRP as part of the anticipated remedy for environmental contamination. Contingency plans should be identified to provide three feet of stable cover material from alternate sources if dredge spoil material is not available for remediation needs. Additionally, EIR page 3-12, *Excavate and Manage Topsoil*, indicates the final foot of cover material for the non-tidal habitat areas would be either dredged material or the preferred alternative of salvaged onsite topsoil. This section should be revised to discuss where the topsoil would come from in light of the presence of contaminated soils. S-6.15

Cleanup levels are normally determined with the aid of a risk assessment. EIR Appendix A, *Hamilton Wetland Restoration Project Description*, page 3-9, *Level to Which the Site Will Be Cleaned*, states "An ecological risk assessment will be used to set the acceptable levels for contamination, and soil bioassays will be used to determine toxicity." There is currently no agreed upon risk assessment for HAAF, SLC, or Navy Ballfields parcels. The soil bioassays for HAAF were inconclusive, and the HAAF risk assessment did not incorporate the regional pesticide and PNA contamination or the potential release areas identified in the ASR. EIR page 4-126, *Hazardous Substances and Waste*, needs to be clarified to indicate remedial cleanup values for the SLC will be determined following completion of the remedial investigation and feasibility study, including the SLC risk assessment. Whether the SLC cleanup goals will be the same as those for the adjacent site has not been determined. S-6.16

Completion of remediation is anticipated to be part of the HWRP implementation, so costs and benefits that may affect remediation need to be considered. GRR Table 4-2, *Costs*, discussed the costs of the various alternatives, but indicates there are no costs for the "No Action" alternative and did not discuss the benefits. Please clarify that there are costs associated with owning and maintaining the property(ies) in the event the HWRP is not constructed, and identify those costs. These costs include completion of the remediation or additional investigation as well as maintaining the pumps, levees, and other systems. GRR Appendix A, *Post Authorization Changes in Total Project First Costs*, indicates cost savings associated with disposing of dredge spoils at the HWRP rather than the Deep Ocean Disposal Site (DODS) would be remitted to the HWRP. Please discuss S-6.17

the benefits accruing to the HWRP, as these funds may offset any additional expense associated with environmental remediation. S-6.17 Con't.

The proposed conversion of the Black Point Antenna Field (BPAF) to a wetland is introduced on EIR page 5-1, *Approach to Cumulative Impact Analysis*. DTSC has reviewed aerial photographs for the BPAF and determined there may be a number of landfills at the site. The Army needs to do a preliminary assessment/ investigation of BPAF to determine if remediation is necessary for the use described in the EIR (i.e., uncontrolled exposure to the Novato River and San Pablo Bay). S-6.18

The offsite transportation of remediation wastes and potential traffic impacts requires analysis. The air quality analysis needs to quantify emissions from remediation activities, including toxic air contaminants, dust, and vehicle emissions, to fully evaluate overall project impacts and the effectiveness of proposed mitigation measures. S-6.19

S-6 California Department of Toxic Substances Control (DTSC), September 13, 2002

General Response to Comment S-6 Re: Remediation Issues at HAAF, Navy Ballfields, and SLC (NAF) sites:

The comment letter makes numerous references to remediation issues on the HAAF, Navy Ballfields, and SLC (also referred to as the North Antennae Field or NAF) sites. This general response discusses the relation of these issues to the activities included or not included with the BMKV expansion of HWRP, which is the subject of the SEIR/EIS.

The BMKV expansion is a proposed addition to the HWRP. The HWRP, including the HAAF, Navy Ballfields, and SLC (NAF) sites, were analyzed in the 1998 EIR/EIS and authorized in the Water Resources Development Act of 1999.

Relevant to HAAF/Navy Ballfields portions of the HWRP, as noted on pages 3-1 and 3-2 of the Draft SEIR/EIS, The suite of restoration activities in the 3 action alternatives include the following changes:

- Replacement of the barrier levee between BMKV and HAAF, with an access berm for the NSD line
- Extension of the Bay Trail south and north from the City of Novato levee
- Potential use of diesel off-loading and booster pumps for off-loading dredged material
- Potential alternative alignment of dredged-material pipeline directly from the off-loading facility to the BMKV expansion site (Alternatives 1 and 2)

None of the proposed changes included in the BMKV expansion result in any changes to the HWRP wetland design for the HAAF or Navy Ballfields parcels. The BMKV expansion makes no determinations whatsoever regarding potential remedial activities at the HAAF or Navy Ballfields. The BMKV expansion proposes no hydrologic or physical connections between the HAAF or Navy Ballfield parcels. Remedial determinations for these sites are being addressed through the Base Realignment and Closure (BRAC) process. If the remedial determinations ultimately made through BRAC would require changes in the wetland designs proposed for the HAAF or Navy Ballfields portions of the HWRP, then at that point, the lead agencies would evaluate the potential effects of the changes and determine whether or not additional NEPA/CEQA compliance would be necessary. This has been clarified in the executive summary, chapter 2, and the *Hazardous Materials and Waste* section of chapter 4 of the SEIR/EIS. At this point, the lead agencies consider it speculative to assume that the BRAC process would not result in remedial options that leave the site suitable for the proposed wetland use generally in accordance with the present project design.

Extensive discussion of the HAAF and Navy Ballfields remedial issues in the BMKV expansion SEIR/EIS are not necessary for an adequate analysis of the effects of the proposed BMKV expansion. The summary of hazardous materials and waste relevant to the HAAF parcel and the Navy ball fields has been expanded somewhat so as to provide the reader with a contextual understanding of the remedial process at the neighboring parcels.

The SLC parcel was included in the 1998 EIS/EIR as part of the HWRP. Remedial issues at the SLC parcel are being addressed through the Formerly Used Defense Site (FUDS) process. However, the only potential changes analyzed in the BMKV expansion SEIR/EIS relevant to the SLC site are, as noted, on pages 3-1 and 3-2:

- elimination of the proposed HWRP separating levee between SLC and BMKV;
- change in location and amount of high transitional marsh;
- repositioning of the tidal breach on SLC to BMKV (in Alternative 2 and 3); and
- reduction in the amount of dredged material placement (Alternative 3 only).

A summary of remedial concerns on the SLC site is presented in the *Hazardous Materials and Waste* section in chapter 4 of the Draft SEIR/EIS. The summary of hazardous materials and waste relevant to the SLC parcel has been expanded somewhat so as to provide the reader with a better contextual understanding. However, extensive discussion of remedial concerns on the SLC parcel is not necessary to adequately assess the impacts of the BMKV expansion, because the BMKV expansion presumes that the SLC site would be appropriately remediated to a state suitable for the proposed wetland use. Further, BMKV expansion makes no determinations regarding ultimate remedial options for contaminated portions of the SLC site, which are being determined through the FUDS program. If the remedial determinations ultimately made through FUDS or the timing of remedial action would require changes in the wetland designs proposed for the SLC portions of the HWRP, then at that point, the lead agencies would evaluate the potential effects of the changes and determine whether or not additional NEPA/CEQA compliance would be necessary. However, an assumption that the FUDS process would not result in remediation to levels suitable for wetland reuse or would extensively delay the BMKV project such that wetland designs would need to be altered, is considered speculative at this time. This has been clarified in the executive summary, chapter 2, and the *Hazardous Materials and Waste* section of chapter 4 of the SEIR/EIS. At this point, the lead agencies consider it speculative to assume that the FUDS process would not result in remedial options that leave the site suitable for the proposed wetland use generally in accordance with the present project design.

S-6.1

As noted above, the remedial issues at HAAF and SLC are being addressed through the BRAC and FUDS processes, respectively. Those processes will make the determinations regarding proposed remedial decisions and any associated remedial action plans. Any CEQA/NEPA documentation associated with the remedial action plans or other related activity would derive from these remedial processes. The HWRP presumed resolution of these issues through BRAC and SLC so that the sites will be appropriate for the proposed wetland reuse while adhering generally to the present project design.

S-6.2

A specific remedial plan has not been developed by the Conservancy for the limited areas of concern identified at the BMKV parcel. However, remediation of these areas, as necessary, would occur prior to site preparation and earthworks for the wetland restoration project.

An overview map of areas of concern at the SLC site is included in the revised *Hazardous Materials and Waste* section of the SEIR/EIS. If DTSC is requesting an oversized map of the proposed conceptual design for the BMKV expansion preferred alternative, this can be provided upon request.

S-6.3

The SEIR/EIS provides a description of BRAC in chapter 2 and a brief overview of HAAF in the *Hazardous Materials and Waste* section in chapter 4. There is no discussion of Findings Of Suitability to Tranfer or Finding Of Suitability for Early Transfer . Transfer timing and modalities for the HAAF property are part of the BRAC process.

S-6.4

DTSC is identified on table 1-1 in chapter 1 as a responsible agency for approval of remediation plans for identified areas of contamination. Regarding the BMKV expansion, the state lead agency is the Conservancy. As noted above, remedial activities at the HAAF and SLC sites are under the BRAC and FUDS programs and are a separate environmental process.

S-6.5 and S-6.6

See General Response to Comment S-6 above regarding HAAF, SLC, and Navy Ballfields.

Investigations at BMKV to date are summarized in the document based on the site investigations. These studies have been incorporated by reference and have been provided to DTSC. A remedial action plan has not yet been developed at this time; however, the results of the site investigations do not identify substantial areas or amounts of hazardous materials or waste on the BMKV expansion site, and thus remedial action, as necessary is not expected to be extensive, nor hinder the reuse of the site for wetlands and other habitats. Due to the limited nature of contaminant issues identified on the site, additional detail is not necessary to adequately characterize the potential impacts and mitigation. A map showing the sampling locations and areas of concern at the BMKV expansion site has been added to the *Hazardous Materials and Waste* section of the SEIR/EIS as well as an overview map of the areas of concern at the SLC parcel. The expansion site was part of the technical appendix provided to DTSC. DTSC has also been provided copies of remedial reports for the SLC site by the U.S. Army Corps of Engineers, Sacramento District.

The discussion of cumulative impacts already discloses that remedial actions at the HAAF and SLC parcels would be conducted prior to wetland restoration (e.g. remediation to levels appropriate for the proposed wetland reuse generally in accordance with the present project design). Reference to the BRAC process and the FUDS process has been clarified in the *Cumulative Impact* section in chapter 5 of the SEIR/EIS.

S-6.7

See General Response to Comment S-6 above regarding HAAF.

Scheduling for remedial actions at HAAF ispart of the BRAC process. The BMKV expansion proposes no changes for the wetland design at HAAF. The discussion in the GRR Section 6.1.6 notes that the some of the actions proposed as part of the authorized HWRP on the HAAF parcel are being considered as part of potential remedial options. However, the BMKV expansion makes no determinations regarding the HAAF parcel regarding these potential remedial options, and thus makes no presumption of what those options might be. As noted in GRR Section 5.9.2, depending on the timing for resolution of BRAC

and FUDS remedial processes, the sequence of construction of the BMKV expansion may change, depending on timing. Since the GRR is included with the SEIR/EIS, the discussion of schedule is adequate. The lead agencies believe it is speculative at this time to consider that the BRAC or FUDS processes will not result in remediation of the sites suitable to the proposed wetland use generally in accordance with the present project design. Since the BMKV expansion presumes that remedial actions would take place to make the site suitable for the proposed uses generally in accordance with the present project design, describes the processes to be followed to resolve remedial concerns, and would not move with restoration actions on areas where the remedial processes have not been completed, further discussion about the intricacies of schedules would not add to the impact assessment of the BMKV expansion itself. In specific to the SEIR/EIS, chapter 3 notes under Construction Timing, that FUDS process completion may affect the schedule of proposed restoration actions for the SLC site and perhaps the southern tidal cell of the expansion site.

S-6.8

Comment noted regarding potential use restrictions. A remedial action plan has not yet been developed for areas of concern at the BMKV expansion site itself, thus it is premature to speculate about contamination left "above cleanup goals" and potential land use restrictions.

Regarding future property owners, successors in interest to the Conservancy for the BMKV expansion site have not been identified. Upon completion of the BRAC process, the Conservancy is the likely successor to the U.S. Army and U.S. Navy for the HAAF and Navy Ballfields sites. Upon completion of the SLC FUDS process, the Conservancy plans to lease the parcel from the California State Lands Commission. Successors to the Conservancy for the HAAF, SLC, or Navy Ballfields have not been determined at this time.

The remedial actions at HAAF, Navy Ballfields, and SLC have not been determined and thus it is speculative at this point to discuss the acceptance of deed restrictions or as-yet-undetermined remedial options. At any rate, this is the subject of the separate BRAC and FUDS processes..

S-6.9

Comment is noted.

S-6.10

This comment concerns HAAF – see General Response to Comment I-34.

S-6.11

Section 2.3.6 of the GRR and the *Geology, Soils, and Seismicity* section of chapter 4 of the Draft SEIR/EIS describe site conditions relative to the BMKV expansion area. The summary information presented in the GRR and in the SEIR/EIS is based on the data in the Geotechnical Design Requirements in GRR Technical appendix C, which has been provided to DTSC. Settlement impacts are described in Impact G-2 concerning wetland formation and levees. As noted in the discussion in this impact, detailed site-specific geotechnical investigations would be conducted to support the engineering design of levees and specifications for dredged material placement components. Site-specific design-level geotechnical investigations would include review of any locally available recent data on settling, such as at the City of

Novato levee. As noted in the Draft SEIR/EIS, the results of the design-level geotechnical investigation would be incorporated into the construction plans for levees and dredged material placement and would adequately account for anticipated settlement and this impact is considered less than significant.

See General Response to Comment S-6 above regarding soil contamination relevant to SLC and HAAF levees and a proposed breach of the HAAF/San Pablo Bay levee.

Regarding BMKV soils, as noted previously, the Conservancy intends to remediate the identified areas of concern to levels suitable to the proposed wetland reuse in coordination with DTSC, in addition to the SF RWQCB. This would need to be completed prior to any reuse of soils from the vicinity of identified areas of concern. Soil handling and transport would comply with applicable state and federal laws and regulations.

There are no proposed breach locations between the HAAF and BMKV parcel, the HAAF and SLC parcels, and the SLC and BMKV parcels. In the preferred alternative for the BMKV expansion, there is no breach on the SLC site, and the proposed breaches in the outboard levees along San Pablo Bay and Novato Creek are not in areas that to date have been indicated as areas of remedial concern.

S-6.12

See General Response to Comment I-34 below regarding HAAF. Note that the summary description of areas of concern at HAAF has been updated in the Final SEIR/EIS to better describe the concerns at the neighboring parcel.

The comment asserts that the Archives Search Report (ASR), prepared by the U.S. Army Corps of Enginers in September, 2001 identified "a number of new potential release sites including a potential burial area in Pacheco Pond." However, the ASR itself concludes (p. 2-1) that while "there is a potential for previously unidentified disposal areas to be present"…"the historical information review indicates that these areas would contain construction related debris" and "observations made during site inspection confirmed the presence of construction debris within the indentified areas". The ASR goes on to state that (p. 2-9), "the review of historical information related to the site revealed no areas of concern, in addition to those known HTRW sites." Thus the assertion of identification of new potential release sites is incorrect. The ASR also notes (p. 3-1) that "all previously documented HTRW sites are in various phases of cleanup and should continue as planned", and no additional assessment or other environmental actions were recommended.

Regarding recent Pacheco Pond sampling results from Marin County, these were summarized in the Draft SEIR/EIS in the Hazardous Materials and Waste Section in Chapter 4. Discussion of these results has been expanded in the Final SEIR/EIS to better describe them for the reader.

The Enhanced Preliminary Assessment (Weston, Roy Inc., *1990 Enhanced Preliminary Assessment, Hamilton Army Airfield, Novato California*) noted a "hearsay" report of possible bombing areas near the East Levee landfill, north of the aircraft parking areas, and in Bel Marin Keys (north of runway overrun) (Weston 1990). However, the Enhanced PA noted that "the use of any areas on or around Hamilton Army Airfield for bombing range activities could not be documented" (Weston 1990). The Enhanced PA recommended further investigation to verify the existence of any bombing ranges; if any documentation (such as written or first-hand verbal reports) of bombing ranges were located, the Enhanced PA recommended an ordnance sweeep of any such identified suspect areas (Weston 1990).

Record reviews were conducted subsequent to the Enhanced PA, but no evidence was found to substantiate the presence of the ranges (ETC 1994). Privately owned farmland to the north of the Hamilton Army Airfield was also inspected for the Community Environmental Response Facilitation Act Report (Earth Technology Corporation (ETC) 1994, *Community Environmental Response Facilitation Act Report, Hamilton Army Airfield*). Physical evidence or other records of bombing ranges were not identified during the CERFA windshield, walk-through and aerial site surveys. The CERFA report concluded that the operation of a bombing range in areas used for farming and residences is atypical. The CERFA also report concluded that "the lack of substantiating documentation or physical evidence for the ranges identified in any of the site investigations conducted since the Enhanced PA, in conjunction with the unlikelihood of the site as a bombing range due to safety considerations, support the…conclusion that there never was a bombing range at Hamilton Army Airfield" (ETC 1994).

Regarding ordnance issues, the ASR makes no mention of ordnance uses adjacent to Hamilton. There is mention in the ASR (on p. 2-1) of "gunnery training"over Hamilton Field in 1933 by a squadron from Crissy Field, which the ASR judged to be strafing training. However this was conducted during construction of the airfield and it is unlikely that such activity could be conducted safely once the field was in use. The ASR did not identify use of the Hamilton site as a "bombing range" in its review of historical use and did not identify any bombing ranges as ordnance or explosive concerns in its conclusions and recommendations (USACE St. Louis 2001).

Regarding potential further assessment of ASR sites, the Army has agreed to prepare a preliminary assessment work plan for any sites that the Army agrees that they require investigation (Keller, pers comm. 2002). However, at this time it is not known which sites, if any, may be determined to require investigation. As noted above, the ASR does not present any evidence to demonstrate identification of new potential hazardous material sites beyond those already being addressed under BRAC.

S-6.13

The referenced modeling and design information is all related to the HAAF parcel. As noted above in General Response to Comment S-6, no changes in the wetland design are proposed by the BMKV expansion. The wetland design for HAAF,was already discussed in the 1998 EIS/EIR.. Also as noted above, if remedial concerns or solutions are identified that later require a change in wetland designs, at that point, the lead agencies would determine whether or not additional NEPA/CEQA compliance would or would not be necessary for any proposed changes.

Three requests regarding modeling results for HAAF are noted.

S-6.14

a) To date, the areas of concern identified at the SLC site have been located in the southeastern portion of the site (see new figure 4-14 in the Final SEIR/EIS and *Draft Remedial Investigation Report, North Antenna Field, Hamilton Army Airfield, Novato, CA - December 2001*, Shaw Environmental & Infrastructure, Inc. prepared for U.S. Army Corps of Engineers, Sacramento District). This is the source of the reference to a "certain portion" on page 3-18 of chapter 3. However, the lead agencies recognize that the FUDS remedial process will need to be completed prior to restoration activities on the entire SLC parcel, and the text in chapter 3 has been updated to remove reference to a "certain portion."

b) At this point, the lead agencies consider it speculative to assert that the entire construction of the HAAF and BMKV portions of the HWRP would be completed or mostly completed prior to completion of the FUDS remedial process at the SLC. As noted above in General Response to Comment S-6, if the remedial determinations ultimately made through FUDS or the timing of completion would require changes in the wetland designs proposed for the SLC portions of the HWRP, then at that point, the lead agencies would evaluate the potential effects of the changes and determine whether or not additional NEPA/CEQA compliance would be necessary. In this event, which is considered speculative at this time, the most likely changes would include construction of an all-weather access road along the NSD levee/berm and levees to separate the SLC site (or the areas not suitable at the time for wetland reuse) from the BMKV and HAAF sites.

c) This comment is noted. The BMKV expansion makes no presumption about remedial options at SLC and no decision regarding removal of soils, cleanup levels, or site restrictions. These are to be determined through the FUDS process.

S-6.15

As noted on pages 3-18 and 3-25, the dredged material placement period for the BMKV expansion is expected to take 10 years, not 8 years. Estimates of dredged material availability are provided in tables 1 through 7 in appendix D in the Technical Appendices of the GRR, which have been provided to DTSC. The analysis in this appendix is the basis for the summary in the SEIR/EIS on page 3-16 and elsewhere that adequate dredged material supplies are available for the HWRP and the BMKV expansion.

"Stable cover" as it relates to remedial options at HAAF or SLC is a subject for the separate BRAC and FUDS processes . The BMKV expansion makes no determinations related to remediation of these sites.. At this point, since no final remedial determinations have been made regarding the areas of concern on HAAF and SLC, it is speculative to assert that there would be a lack of dredged material available, should the BRAC and/or FUDS process determine that use of dredged material as cover is part of resolution of acknowledged contamination concernss=. Thus, at this time it appears premature to identify contingency plans for alternate sources of cover.

Regarding final foot of cover material, the BMKV expansion designs for non-tidal habitats at BMKV (no non-tidal habitats are proposed at the SLC site) include both use of onsite topsoil and dredged material and does not select one as a "preferred alternative." As noted above, the Conservancy intends to remediate the identified areas of concern at BMKV to levels suitable to the proposed wetland reuse in coordination with DTSC as well as SF RWQCB. This would need to be completed prior to any reuse of soils from the vicinity of identified areas of concern.

S-6.16

Regarding HAAF or Navy Ballfields remedial activities, see General Response to Comment S-6.

Regarding SLC, the text on page 4-126 has been updated to reflect that remedial cleanup values for the SLC will be determined following completion of the remedial investigation and feasibility study, including, if necessary a risk assessment.

S-6.17

Section 6.9.1 of Appendix A to the GRR discusses the concept of transportation cost differential. As proposed, navigation dredging projects that would experience less cost to transport dredged material to the HWRP than to their least-cost environmentally acceptable alternative disposal site will transfer the cost difference to the HWRP. This source of revenue would provide a portion of the funds necessary for the authorized components of project implementation. The request for Congressional authorization reflected in the GRR is being reduced by the anticipated amount of the transportation cost differential derived from the applicable navigation projects. The transfer of transportation cost differental funding to the HWRP does not prvoide additional monies to support activities beyond those already authorized for the HWRP or proposed under the GRR. Furthermore the present project authorization does not permit environmental remediation activities to be accomplished with project funds.

S-6.18

Page 5-6 of the Draft SEIR/EIS states that there could be residual contaminated areas on the Black Point Antenna Field Restoration Project (BPAFRP). The BPAFRP is not part of the BMKV expansion and is a separate project. It is noted in the cumulative impact assessment because of its proximity to BMKV. The comment regarding a preliminary investigation/assessment is noted.

S-6.19

As noted above, the limited areas of soil contamination identified to date at the BMKV expansion site are not expected to necessitate large-scale remedial activities as the areas of concern are discrete areas. Associated air quality effects of any associated construction vehicles were assessed in the *Air Quality* section of chapter 4 based on the assumptions in appendix E. The additional construction effort associated with potential remedial activities would be less than that calculated for the earthworks and site preparation associated with the onshore restoration activity itself. The onshore construction effort was not identified to result in a significant effect on air quality, except related to PM10. Mitigation Measure A-1 is proposed to control PM10 emissions.

The remedial activity should take place prior and not at the same time as the earthworks and other site preparation. Thus, the estimate in the Draft SEIR/EIS also represents an overestimate of the air quality effects of likely construction associated with any BMKV remedial actions when they are occurring. Mitigation Measure A-1 would apply to all construction activities, including any remedial actions.

Remedial action specifics regarding cleanup controls at the individual areas of concern, including any need for dust control, would incorporate the measures in Mitigation Measure A-1 and any additional controls necessary for control for work within contaminated areas.

Similar to the analysis above of air quality, traffic impacts are discussed in the *Transportation* section of chapter 4 and identified to be less than significant. Since the remedial activity would occur prior to and be less intensive than the site preparation and earthworks phase, impacts of associated traffic are also considered to be less than significant.

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September 17, 2002

File No. 02-MA-6E

Comment Letter S-7

Tom Gandesbery
Calif. State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530

re Bel Marin Keys Unit V Expansion/Hamilton Army Airfield Wetland Restoration

Dear Mr. Gandebery:

Thank you for including our office in the environmental review process for the above mentioned project. The Bel Marin Keys Unit project was surveyed by Peggy Shannon (8-92), an archaeologist. We concur with the recommendations and mitigation measures in the report. S-7.1

Sincerely,

Liz Block for

Leigh Jordan
Coordinator

cc: Eric Joffiffe

S-7 California Historic Resources Information System (CHRIS)

S-7.1

Comment noted.